

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

00 OCT 25 AM 11:31 *dg*

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 JC

Robert J. Calkins
CLERK OF COURT

**RIO CHAMA STREAM SYSTEM
Rio Gallina, Section 5**

Subfile No.: CHGA-01-0012

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

**ARTURO R MONTOYA
SARITA V MONTOYA**

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Gallina, Section 5, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

5987

4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Gallina, Section 5, are set forth below:

A. IRRIGATION (Surface Water Only)

Office of the State Engineer Files No(s) 0466 date filed 9/10/1923

Priority: Reserved for future determination by court order entered March 15, 2000.

Source of Water: Surface water of the Rio Capulin, a tributary of the Rio Gallina, a tributary

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch Name: Gonzales/Gurule Ditch

Location X: 1,481,547 feet **Y:** 1,897,611 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

Location and Amount of Irrigated Acreage:

Township 23N, Range 01E, Section 13, N.M.P.M.

Pt. SW $\frac{1}{4}$	1.3
Pt. SE $\frac{1}{4}$	0.3
Total	1.6 acres

As shown on the 2000 Hydrographic Survey Map CHGA- 1.

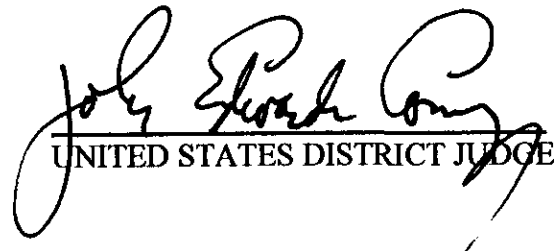
Amount of Water: Reserved for future determination by court order entered March 15, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Gallina, Section 5, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Gallina, Section 5, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Gallina, Section 5, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.


UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gubin
SPECIAL MASTER

ACCEPTED: Sarita V. Montoya
SARITA V MONTOKA

ACCEPTED: Arturo R. Montoya
ARTURO R MONTOKA

ADDRESS: 1005 Bellan Ln
esp NM

ADDRESS: 1005 Bellan Ln
Esp. NM 87532

DATE: 7-25-00

DATE: 7/25/00

Ed Neville
EDWARD G. NEWVILLE
Special Assitant Attorney General

10-10-06
Date